

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:96 CR 739

-vs-

O R D E R

KATRINA GREGORY, *pro se*,

Defendant.

KATZ, J.

This matter is before the Court on Defendant's application to seal her criminal record pursuant to ORC § 2953.32 (Doc. 27). The application is hereby denied for the reasons set out more fully in the Government's memorandum in opposition (Doc. 28).

First, federal authority in general does not permit expungement of a federal conviction. Even in the federal courts where expungement has been allowed, it has only been allowed in extreme circumstances or in light of invalid convictions. Defendant does not argue that her conviction was invalid or that this is an extreme circumstance.

Second, the statutory authority under ORC § 2953.32(A)(1) requires a convicted offender to apply to an Ohio court of common pleas for the sealing of a record of a federal conviction.

Third, state courts and federal courts in Ohio have held that section 2953.32 cannot be used to affect federal records maintained by federal officers. *Schwab v. Gallas*, 724 F. Supp. 509 (N.D. Ohio 1989); *United States v. Wiley*, 89 F. Supp. 2d 909 (S.D. Ohio 1999); *In Re Pacifico*, 129 Ohio App. 3d 152 (Oh. Ct. App. 1998).

For these reasons, more fully set out in the government's brief (Doc. 28), Defendant's application (Doc. 27) is hereby denied.

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE